

House Chambers Floor Debate, 2nd

March 21, 2011

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2011 (82R) SB 14
3.21.11 HOUSE CHAMBERS FLOOR DEBATE
2ND READING
MARCH 21, 2011

Transcribed by Rhonda Howard, CSR
April 23, 2012

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1 THE CLERK: SB-14 by Fraser relating
2 to requirements to vote including presenting proof
3 of identification, providing criminal penalties.

4 THE SPEAKER: Chair recognizes
5 Representative Harless.

6 REPRESENTATIVE HARLESS: Thank you,
7 Mr. Speaker, Members.

8 The requirement of photo I.D. is becoming
9 all but necessary in the modern age. Photo I.D.s
10 are required to drive a car, buy alcohol or
11 cigarettes, to obtain a hunting or fishing license,
12 to open a bank account, to purchase medical
13 prescriptions, to obtain most health or dental care
14 and to rent a hotel room or a car.

15 The Appellant Court [sic] in the Indiana
16 photo voter I.D. case, Crawford versus Marion
17 County, stated, "It is exceedingly difficult to
18 maneuver in today's America without a photo I.D.
19 And, as a consequence, the vast majority of adults
20 have such I.D. Ballot access should have at least
21 the same integrity as renting a movie, boarding a
22 commercial plane or cashing a check."

23 The fact that states across the nation are
24 passing voter I.D. laws is proof enough that the
25 public's concern regarding the potential of voter

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1 fraud. While there is, and perhaps will always be,
2 a disagreement regarding the extent of the voter
3 fraud, the lack of public confidence in our voting
4 system cannot be questioned.

5 People who lack confidence in the election
6 system see no reason to show up and vote. There is
7 potential for fraud in registration, in-person
8 voting and counting the ballots.

9 SB-14 is a simple, narrowly-crafted piece
10 of legislation that only addresses one type of
11 potential fraud, in-person voting.

12 SB-14 is similar to Georgia's photo I.D.,
13 which was approved by the Department of Justice, and
14 Indiana's photo I.D., which was upheld by the
15 Supreme Court.

16 In upholding Indiana's photo I.D. law the
17 Supreme Court stated, "Confidence in the integrity
18 of our election process is essential to the
19 functioning of our participatory democracy. Voter
20 fraud drives honest citizens out of the democratic
21 process and breeds distrust of our government.
22 Voters who fear their legitimate votes will be
23 outweighed by fraudulent ones will feel
24 disenfranchised."

25 This bill is in compliance with the U.S.

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1 Supreme Court decision which upheld the Indiana
2 voter I.D. legislation, because it deters and
3 detects fraud. It protects the public's confidence
4 in elections. It counts only eligible voters'
5 votes.

6 It also complies with the Supreme Court
7 decision, because it offsets the proof on voters by
8 providing free access to free photo I.D. cards,
9 allowing for provisional ballots and absentee
10 ballots, ensuring that obtaining a photo I.D. is no
11 more burdensome or inconvenient than the usual act
12 of voting, and provides exceptions for elderly,
13 disabled or indigent voters.

14 SB-14 would require you -- a voter to show
15 a photo I.D. when voting in person. The acceptable
16 I.D.s include cards issued by the DPS, driver's
17 license or I.D. card, a military pass -- I.D., a
18 passport or a concealed handgun license. These
19 forms of I.D. must be current or no more than 60
20 days expired. A current citizen's certificate with
21 a photo is also an acceptable form of
22 identification.

23 Voters who cannot produce an acceptable
24 form of photo I.D. will be allowed to cast a
25 provisional ballot. That ballot will be counted if

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1 the voter returns within six days with the photo
2 I.D.

3 There are exceptions to the photo I.D.
4 legislation, which include people who are 70 years
5 old or older as of January 1st, 2012. They may
6 continue to vote with their voter registration card.

7 Indigent people and people with religious
8 objections to be photographed may cast a provisional
9 ballot on election day and return to the registrar
10 within six days with a signed affidavit confirming
11 their exempt status.

12 And voters who are disabled and provide
13 written documentation from the Social Security
14 Administration or the Veterans Affairs Department
15 verifying their [sic] are -- they are receiving
16 benefits due to the disability and the voter does
17 not have one of the other acceptable forms of I.D.
18 for voting.

19 SB-14 would provide statewide extensive
20 training and notification of the changes in
21 requiring a photo I.D. to vote. It would provide
22 for free DPS-issued I.D.s to registered voters who
23 request an I.D. who do not have another acceptable
24 form of identification, photo identification for
25 voting. It allows a voter to cast a ballot if the

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1 name on the I.D. is substantially similar to the
2 name on the voter's list.

3 In conclusion, in two states with strict
4 photo I.D. requirements, voter turnout has increased
5 since the photo I.D. laws were enacted. This tells
6 me that photo voter I.D. requirements increase the
7 public's confidence in the election process, which
8 has been shown in these states to increase voter
9 participation.

10 Although way -- we may disagree on how
11 much voter fraud takes place, just one fraudulent
12 vote effectively steals one legitimate vote.
13 Elections are too important to leave this
14 unprotected.

15 This legislation is not a radical concept.
16 It is just asking that every voter verify you are
17 who you say you are before casting a vote.

18 THE SPEAKER: Mr. Anchia, for what
19 purpose?

20 REPRESENTATIVE ANCHIA: Will the
21 gentle lady yield, please?

22 THE SPEAKER: Will the lady yield?

23 REPRESENTATIVE HARLESS: I will.

24 REPRESENTATIVE ANCHIA:

25 Representative Harless --

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1 REPRESENTATIVE HARLESS: Hi.

2 REPRESENTATIVE ANCHIA: -- good
3 afternoon. I wanted to ask you a couple questions
4 about Senate Bill 14 and voter impersonation.

5 You alluded to the fact that -- that this
6 bill deals with one specific type of voter fraud.
7 Correct?

8 REPRESENTATIVE HARLESS: Yes,
9 potential voter fraud.

10 REPRESENTATIVE ANCHIA: And that's --
11 and that's -- that's voter impersonation?

12 REPRESENTATIVE HARLESS: Yes.

13 UNIDENTIFIED REPRESENTATIVE: And how
14 does -- describe how voter impersonation works.

15 REPRESENTATIVE HARLESS: Someone
16 shows up to the poll with a voter's registration
17 card that may not be theirs and casts a vote -- a
18 vote with that card.

19 REPRESENTATIVE ANCHIA: How -- how
20 often does that happen in the State of Texas, do you
21 think?

22 REPRESENTATIVE HARLESS: I'm not
23 advised.

24 REPRESENTATIVE ANCHIA: Do -- do you
25 have a guess? You -- you've gone back and looked at

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1 interim reports and studies on this issue.

2 REPRESENTATIVE HARLESS: Under our
3 current law there's not really tools necessary to
4 stop this type of in-voter fraud. In fact, most of
5 this in-voter fraud we may not even know about until
6 after the election occurs.

7 We have heard from many witnesses over the
8 last couple sessions who have testified that voter
9 impersonation in which people's I.D.s or voter
10 registration card have been used and false votes
11 cast in that person's name is not uncommon.

12 REPRESENTATIVE ANCHIA: And did --
13 did they provide any documented cases, or was it
14 anecdotal?

15 REPRESENTATIVE HARLESS: It --
16 there -- there was information from the Secretary of
17 State, but really we don't have the tools to
18 effectively deter or detect this type of voter
19 fraud.

20 REPRESENTATIVE ANCHIA: I find it
21 interesting that you say we don't have the tools in
22 current law.

23 Are you pretty familiar with the Election
24 Code?

25 REPRESENTATIVE HARLESS: A little.

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1 I've learned more about it the last few months.

2 REPRESENTATIVE ANCHIA: Me, too. Me,
3 too.

4 What is the penalty for voter
5 impersonation?

6 REPRESENTATIVE HARLESS: As addressed
7 in this bill?

8 REPRESENTATIVE ANCHIA: No, no.
9 Current law.

10 REPRESENTATIVE HARLESS: I think --

11 REPRESENTATIVE ANCHIA: It's under
12 Section 6401 -- spot 012 of the Election Code.

13 REPRESENTATIVE HARLESS: And it would
14 be a second-degree felony if they're caught.

15 REPRESENTATIVE ANCHIA: Okay. So
16 current -- under current law, just to be clear so
17 the membership knows, it's actually a third-degree
18 felony, so it's two to ten years in prison and up to
19 \$10,000 worth of fine.

20 And in the Committee substitute that we
21 have before us, it's actually bumped up to a
22 third-degree felony. So there's a -- a penalty
23 enhancement from third-degree to second-degree, so
24 it increases in severity. And then there's also an
25 increase -- a correlating increase with the

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1 attempted voter impersonation that gets bumped up,
2 as well, from -- from its current law -- for its --
3 from it's current penalty to 180 days -- it's a
4 state jail felony, 180 days to two years in state
5 jail and an optional fine of \$10,000.

6 So there are some pretty severe penalties
7 both in current law and in your proposed bill.

8 Correct? A felony.

9 REPRESENTATIVE HARLESS: Yes.

10 REPRESENTATIVE ANCHIA: And in terms
11 of -- of risk/reward, how many -- how many votes can
12 you change with one case of voter impersonation,
13 just --

14 REPRESENTATIVE HARLESS: How many
15 votes can you change?

16 REPRESENTATIVE ANCHIA: Yeah.

17 See, you were very concerned about a -- a
18 legitimate voter being disenfranchised by someone
19 conducting voter impersonation. Is -- is -- is
20 it -- is it a scalable model, or when you commit an
21 act of voter impersonation how many votes do you
22 change?

23 REPRESENTATIVE HARLESS:

24 Representative Anchia, this is about restoring
25 confidence in the election process --

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1 REPRESENTATIVE ANCHIA: No. I
2 understand that.

3 REPRESENTATIVE HARLESS: -- one
4 person, one vote. And to get off on the fraud
5 argument and how often it happens or if it even
6 happens, we will never agree on that.

7 REPRESENTATIVE ANCHIA: Well, I --
8 I --

9 REPRESENTATIVE HARLESS: The purpose
10 of this legislation is that when you show up to
11 vote, you prove who you say you are. It's a very
12 simple, narrow-defined bill. And we can stay here
13 all day long discussing the fraud, but that is not
14 what this bill is about. This bill is about
15 protecting, deterring and detecting possible fraud
16 in elections.

17 REPRESENTATIVE ANCHIA: Sure. I'm --
18 I'm trying -- I'm trying to get at that, because you
19 talked about voter -- voter impersonation in your
20 layout. And I know -- I know the narrative changes,
21 because when -- when -- you know, we've studied this
22 thing for eight years now -- almost six years --
23 seven years, actually, and we haven't been able to
24 find widespread voter impersonation.

25 Clearly to support the bill your narrative

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1 has to change, so now it's about the integrity of
2 elections. I understand that.

3 But when -- in going through the
4 current -- you -- you said in your layout the -- we
5 currently don't have tools to prevent this. So I
6 was trying to get at the tools that are in current
7 state law.

8 And the first one is sort of the deterrent
9 effect of risking a state jail felony, two to ten
10 years in jail, \$10,000 worth of -- of fines to
11 change, what, one vote. Right? So we're talking
12 about deterrent effect and risk. And my question to
13 you was is it scalable?

14 I mean, when you commit an act of voter
15 impersonation, how many votes do you change?

16 REPRESENTATIVE HARLESS: I think it's
17 possibly scalable. If you look at the
18 Representative Donna Howard's election and Dan Neil,
19 I think the decision was decided by, what, two
20 votes.

21 REPRESENTATIVE ANCHIA: Was there --
22 were there any occasions of voter impersonation
23 there?

24 REPRESENTATIVE HARLESS: I didn't
25 follow it that closely --

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1 REPRESENTATIVE ANCHIA: I believe
2 that there aren't.

3 REPRESENTATIVE HARLESS: -- but when
4 elections are won or lost on two votes we need to
5 put every check and balance we can to restore the
6 public's confidence. And not only does it restore
7 the public's confidence in the election, there's
8 been documented evidence in the two states that have
9 passed this more restrictive photo I.D. that voter
10 turnout increases. When people have confidence --

11 REPRESENTATIVE ANCHIA: Can --

12 REPRESENTATIVE HARLESS: -- they are
13 more apt to show up and vote.

14 REPRESENTATIVE ANCHIA: And those
15 talking points are terrific. Let -- let's try to
16 stay on voter impersonation. Right?

17 So you said you're not sure of -- of
18 how -- how often it occurs. You believe the tools
19 aren't in place. You acknowledge there's a pretty
20 significant penalty for doing it. Correct? A state
21 jail felony --

22 REPRESENTATIVE HARLESS: As should
23 be.

24 REPRESENTATIVE ANCHIA: -- is -- is
25 that -- yeah. As it should be, correct. So there's

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1 a pretty significant penalty for doing it.

2 Now, let's talk about voter impersonation
3 at the polling location. Who's typically at the
4 polling location?

5 REPRESENTATIVE HARLESS: As far as
6 administrators --

7 REPRESENTATIVE ANCHIA: Yeah, yeah.

8 REPRESENTATIVE HARLESS: -- or people
9 showing up to vote?

10 REPRESENTATIVE ANCHIA: Yeah. Under
11 the Election Code, who do you -- who -- who's
12 entitled to be at the -- at the polling location?

13 REPRESENTATIVE HARLESS: There -- the
14 election judge, election clerks, election officers.

15 REPRESENTATIVE ANCHIA: And -- and
16 it's your -- it's your -- it's your assertion today
17 that those people are powerless to stop voter
18 impersonation. Correct?

19 REPRESENTATIVE HARLESS: Powerless is
20 not the word I would use.

21 REPRESENTATIVE ANCHIA: You said
22 helpless earlier. Is that -- is that a better word?
23 They don't have the tools?

24 REPRESENTATIVE HARLESS: They need
25 some tools.

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1 REPRESENTATIVE ANCHIA: Okay. Well,
2 are you familiar with Section 32 spot 075 of the
3 Election Code?

4 REPRESENTATIVE HARLESS: I am not.

5 REPRESENTATIVE ANCHIA: Section
6 32.075 of the Election Code discusses the law
7 enforcement duties and powers of the presiding
8 judge, of an election judge. Do you know what they
9 are?

10 REPRESENTATIVE HARLESS: No.

11 REPRESENTATIVE ANCHIA: Okay.

12 REPRESENTATIVE HARLESS: But I know
13 you're going to tell me.

14 REPRESENTATIVE ANCHIA: Yeah, I -- I
15 will, because I -- I just want to clear up the fact
16 that you're concerned there are no tools.

17 Well, I'll -- I'll read from that portion
18 of the Election Code. "The presiding judge at a --
19 at a polling location can prevent violations of the
20 Election Code at the polling place. And in
21 performing those duties, the presiding judge has the
22 power of a State District Judge, including --
23 including the power to issue an arrest warrant."

24 Were you aware of that?

25 REPRESENTATIVE HARLESS: No.

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1 REPRESENTATIVE ANCHIA: Do you
2 think -- do you think issuing an arrest warrant to
3 stop some of this purported voter impersonation is a
4 powerful tool?

5 REPRESENTATIVE HARLESS: I think that
6 the testimony that we're heard and the articles that
7 have been reported on over the last few years, there
8 have been a number of election officers and election
9 judges that said there were people that came in to
10 vote, they had a voter registration, they returned
11 and voted again with a different voter registration,
12 and they felt they didn't have the tools
13 necessary --

14 REPRESENTATIVE ANCHIA: And -- and
15 none of those cases were documented. Right? None
16 of them.

17 REPRESENTATIVE HARLESS: They were
18 reported on.

19 REPRESENTATIVE ANCHIA: They -- they
20 were reported, maybe complaints --

21 REPRESENTATIVE HARLESS: Yes.

22 REPRESENTATIVE ANCHIA: -- possibly
23 investigated by the Attorney General, but none of
24 them ever documented or -- or conclusively
25 prosecuted. Correct?

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1 REPRESENTATIVE HARLESS: I don't know
2 if that's correct or not --

3 REPRESENTATIVE ANCHIA: Okay.

4 REPRESENTATIVE HARLESS: -- it was
5 not part --

6 REPRESENTATIVE ANCHIA: Okay.

7 REPRESENTATIVE HARLESS: -- of our
8 testimony in the Committee.

9 REPRESENTATIVE ANCHIA: But don't --
10 don't you think having the power as an election
11 judge to issue an arrest warrant to satisfy -- to
12 enforce the provisions of the Election Code, that's
13 not -- you -- you claim that these people are
14 helpless and they don't have the tools. But you
15 don't think that's a tool?

16 REPRESENTATIVE HARLESS: I don't
17 think it's a tool when they're not required to show
18 a photo I.D. when they show up to vote to prove they
19 are --

20 REPRESENTATIVE ANCHIA: So if you're
21 an election judge --

22 REPRESENTATIVE HARLESS: -- who they
23 say they are.

24 REPRESENTATIVE ANCHIA: -- so if
25 you're an election judge and you know you have the

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1 power of a State District Judge to issue an arrest
2 warrant and you see somebody who potentially is
3 committing voter impersonation and you don't do
4 anything about it, who's fault is that?

5 REPRESENTATIVE HARLESS: I think that
6 it is the legislators' -- legislature's fault --

7 REPRESENTATIVE ANCHIA: It's our
8 fault?

9 REPRESENTATIVE HARLESS: -- for not
10 putting checks and balances in place that we can
11 require a voter to prove who they are when they show
12 up to vote.

13 REPRESENTATIVE ANCHIA: Do you
14 have -- and I noticed you avoided presenting any --
15 any evidence of voter impersonation in your layout.
16 Do you have any cases of voter impersonation?

17 REPRESENTATIVE HARLESS: I'm sure you
18 know more about that than I do.

19 REPRESENTATIVE ANCHIA: Okay. Okay.
20 You're concerned about legitimate voters being
21 disenfranchised. Right?

22 REPRESENTATIVE HARLESS: I'm --
23 I'm -- I'm concerned about --

24 REPRESENTATIVE ANCHIA: That's really
25 important to you.

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1 REPRESENTATIVE HARLESS: --

2 protecting the public's trust and the integrity in
3 the election process.

4 REPRESENTATIVE ANCHIA: I understand.
5 As am I. As am I.

6 And you believe that passage of this bill
7 will restore confidence among the -- among members
8 of the public in the voting process and restore
9 integrity. Correct?

10 That's what you said in your layout.

11 REPRESENTATIVE HARLESS: I do.

12 REPRESENTATIVE ANCHIA: Okay. You
13 believe that?

14 REPRESENTATIVE HARLESS: I do.

15 REPRESENTATIVE ANCHIA: Why does --
16 why does it ignore mail-in ballots?

17 REPRESENTATIVE HARLESS: This bill is
18 only addressing one type of fraud --

19 REPRESENTATIVE ANCHIA: Right.

20 REPRESENTATIVE HARLESS: -- in-person
21 voter fraud.

22 REPRESENTATIVE ANCHIA: That's really
23 interesting to me, because we've got a bill that
24 addresses a narrow type of fraud that you even
25 acknowledged you had no cases of.

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1 REPRESENTATIVE HARLESS: I -- I did
2 not say I have no cases of.

3 REPRESENTATIVE ANCHIA: Well, then --
4 then give me a case.

5 REPRESENTATIVE HARLESS: I -- I said
6 that they were not part of our testimony.

7 REPRESENTATIVE ANCHIA: But do you
8 have -- do you have --

9 REPRESENTATIVE HARLESS: I said --

10 REPRESENTATIVE ANCHIA: -- have you
11 run across a case?

12 REPRESENTATIVE HARLESS: -- there
13 was -- there was media reported on. But continue.

14 REPRESENTATIVE ANCHIA: Okay. Okay.
15 So -- but you have no cases.

16 Would it be fair to say you have no cases
17 today of voter impersonation?

18 REPRESENTATIVE HARLESS: I have no
19 cases we're going to discuss on the House floor
20 about -- that I will --

21 REPRESENTATIVE ANCHIA: Okay. Okay.

22 REPRESENTATIVE HARLESS: -- discuss
23 on the House floor about --

24 REPRESENTATIVE ANCHIA: So the author
25 has no cases on the House floor of -- of voter

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1 impersonation.

2 You are yet very, very concerned about
3 integrity of elections. Correct?

4 REPRESENTATIVE HARLESS: Uh-huh.

5 REPRESENTATIVE ANCHIA: Yet this bill
6 doesn't deal with the type of voter fraud that we've
7 seen most prevalently in the State of Texas, which
8 is mail-in ballots. Correct?

9 REPRESENTATIVE HARLESS: There are
10 other pieces of legislation that --

11 REPRESENTATIVE ANCHIA: Have you
12 filed a bill on -- on mail-in ballots?

13 REPRESENTATIVE HARLESS: No, sir.

14 REPRESENTATIVE ANCHIA: But you're
15 concerned about legitimately -- legitimately --
16 legitimate votes that are casting being disen --
17 being canceled out by voter fraud, are you not?

18 REPRESENTATIVE HARLESS: I am
19 concerned about public confidence in the
20 elections --

21 REPRESENTATIVE ANCHIA: Okay.

22 REPRESENTATIVE HARLESS: -- and
23 verifying that you are who you say you are when you
24 show up to vote.

25 This is not the venue to discuss mail-in

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1 ballots.

2 REPRESENTATIVE ANCHIA: Well, I -- I
3 think it is, because if -- if -- if -- now the
4 narrative has changed. Before it used to be hey,
5 you know, we're really concerned about all these
6 illegal aliens coming across the border and voting.
7 And then when there was little to no evidence of
8 that, then the narrative changed, and now it's about
9 the integrity of the elections.

10 Well, the integrity of elections, if you
11 believe that narrative, also includes fraud that
12 would cancel out a person's legitimately-cast vote.
13 Am -- am I correct?

14 REPRESENTATIVE HARLESS: This is not
15 the venue to discuss in ballot -- mail-in ballots.

16 REPRESENTATIVE ANCHIA: Where do we
17 discuss it? Do we discuss it in the Senate --

18 REPRESENTATIVE HARLESS: At
19 another --

20 REPRESENTATIVE ANCHIA: -- do we
21 discuss it in the hall --

22 REPRESENTATIVE HARLESS: On another
23 legislation we can --

24 REPRESENTATIVE ANCHIA -- do we
25 discuss at my desk --

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1 REPRESENTATIVE HARLESS: -- we can --
2 we can discuss it all those places --

3 REPRESENTATIVE ANCHIA: -- if you
4 open the door --

5 REPRESENTATIVE HARLESS: -- in all
6 those places if you would like.

7 REPRESENTATIVE ANCHIA: If you have
8 opened the door about the integrity of elections,
9 then I think it's fair game to discuss that type of
10 fraud, which we actually do see in the State of
11 Texas, but which is --

12 REPRESENTATIVE HARLESS: Well, I look
13 forward to you bringing that bill to the Texas
14 House.

15 REPRESENTATIVE ANCHIA: -- which
16 is -- which is specifically ignored by your bill.

17 So if this is really about a desire to
18 make sure that legitimately-cast votes are not
19 counterbalanced or offset and to really restore
20 integrity elections, why don't you do anything about
21 mail-in ballots in your bill?

22 REPRESENTATIVE HARLESS: This -- this
23 bill is to address in-person possible voter fraud.

24 I appreciate you bringing up the mail-in
25 ballots, and I look forward to your bill that you

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1 will bring addressing that type of fraud.

2 REPRESENTATIVE ANCHIA: We actually
3 chaired -- I actually chaired a select committee on
4 that, and I've had a, in the past, mail-in ballots
5 bills.

6 REPRESENTATIVE HARLESS: I think
7 that's great legislation.

8 REPRESENTATIVE ANCHIA: I also --

9 REPRESENTATIVE HARLESS: I look
10 forward to helping you with it.

11 REPRESENTATIVE ANCHIA: But here's
12 the -- here's the -- here's the quandary for this
13 body. If you say passing this bill is going to
14 restore integrity of elections, yet you do nothing
15 in the bill to deal with mail-in ballots, and
16 70 percent of all the prosecutions by the Attorney
17 General have been in mail-in ballots, then you're
18 really not restoring integrity elections, because
19 people, like they have for the last six years, will
20 be reading about mail-in ballot fraud, mail-in
21 ballot fraud, mail-in ballot fraud --

22 THE SPEAKER: Representative Geren
23 raised a point of order.

24 THE SPEAKER: Gentleman's time's
25 expired. The point of order is well taken and

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1 sustained.

2 REPRESENTATIVE ANCHIA: Mr. Speaker?

3 THE SPEAKER: Mr. Anchia, for what
4 purpose?

5 REPRESENTATIVE ANCHIA: I -- I move
6 that the lady's time be extended.

7 THE SPEAKER: Members, you've heard
8 the motion. Is there an objection? Chair hears
9 none. The time is extended.

10 REPRESENTATIVE ANCHIA: Thank you,
11 Mr. Speaker.

12 Let's talk a little bit about the Voting
13 Rights Act, if you didn't mind. There -- there --
14 how much money is in the bill for informing Texans
15 about the change in the law?

16 REPRESENTATIVE HARLESS: The fiscal
17 note on the bill is 2 million-24,000 dollars.

18 REPRESENTATIVE ANCHIA: Okay. And --
19 and where is that money going to come from?

20 REPRESENTATIVE HARLESS: That money
21 is already appropriated in our base budget that
22 Chairman Pitts presented. We have officially
23 \$43 million of HAVA funds, Help America Vote Funds,
24 left over from past sessions. And we are pretty
25 confident once we request the approval of use of

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1 those funds that we can use those funds to offset
2 the cost of this fiscal note.

3 REPRESENTATIVE ANCHIA: And what is
4 that request going to entail?

5 REPRESENTATIVE HARLESS: It entails
6 writing to the Department of Elections Assistance.

7 REPRESENTATIVE ANCHIA: The Elections
8 Assistance Commission --

9 REPRESENTATIVE HARLESS: Yes.

10 REPRESENTATIVE ANCHIA: -- the EAC?

11 REPRESENTATIVE HARLESS: Yes.

12 REPRESENTATIVE ANCHIA: And does it
13 also require an amendment of our state plan?

14 REPRESENTATIVE HARLESS: I'm not
15 advised.

16 REPRESENTATIVE ANCHIA: Okay. Let me
17 ask you about how those funds are going to be spent.

18 How many of those HAVA funds that are
19 appropriated in this bill are going to be dedicated
20 to educating Latinos, African Americans and Asians
21 on the new photo identification requirement under
22 Senate Bill 14?

23 REPRESENTATIVE HARLESS: The
24 methodology in the fiscal note says that there will
25 be \$2 million for the fiscal year 2012, an estimated

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1 five -- or half a million dollars to research and
2 develop ways to inform the public on new
3 identification requirements, additional costs of
4 1.5 million in media advertising, television --
5 of -- a breakdown of that, 750,000 in television,
6 300,000 in radio and 300,000 in print and Internet
7 of 150,000. The Secretary of State indicates
8 federal funds associated with Help America Vote Act
9 may be available for use, but the Agency will need
10 to verify that with the federal government once this
11 has passed.

12 REPRESENTATIVE ANCHIA: And the
13 voting -- Voting Rights Act covers the State of
14 Texas. Correct?

15 REPRESENTATIVE HARLESS: Excuse me?

16 REPRESENTATIVE ANCHIA: I'm sorry.
17 The voting Rights Act covers the State of Texas.
18 Correct?

19 REPRESENTATIVE HARLESS: Yes.

20 REPRESENTATIVE ANCHIA: And the --
21 there are protected classes under the Voting Rights
22 Act. Correct?

23 REPRESENTATIVE HARLESS: Yes.

24 REPRESENTATIVE ANCHIA: So -- so my
25 question didn't relate generally to what the fiscal

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1 note said. It related specifically to Latinos and
2 African Americans, and I also included Asian
3 Americans because of your home county, Harris
4 County, that has a significant Asian American
5 population.

6 So what -- what percentages of -- of the
7 \$2 million will be dedicated to those protected
8 classes?

9 REPRESENTATIVE HARLESS: It is not
10 broken out specifically in the bill. I think that
11 this bill will increase turnout in education among
12 all voters.

13 REPRESENTATIVE ANCHIA: Okay. But
14 there's nothing in your bill dealing specifically
15 with Latinos or African Americans. Correct?

16 REPRESENTATIVE HARLESS: It will
17 increase turnout of all voters and education of all
18 voters.

19 REPRESENTATIVE ANCHIA: But -- but
20 there's -- is there -- I'll rephrase the question in
21 case we didn't understand. Is there anything in
22 your bill --

23 REPRESENTATIVE HARLESS: I'm a
24 blonde, and that happens.

25 REPRESENTATIVE ANCHIA: Is there

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1 anything in your bill that specifically requires
2 education of Latinos and African Americans covered
3 under the Voting Rights Act? And I'll put -- I'll
4 throw in Asians, as well.

5 REPRESENTATIVE HARLESS: The bill
6 that we filed is modeled on the Georgia and Indiana
7 legislation that have both been upheld by the U.S.
8 Constitution and precleared by the Department of
9 Justice. We -- we have put --

10 REPRESENTATIVE ANCHIA: Do you know
11 what's in your bill?

12 REPRESENTATIVE HARLESS: I -- I think
13 I do. I've read it several times.

14 REPRESENTATIVE ANCHIA: Okay. If you
15 know what's in your bill, then you can answer this
16 question.

17 Is there -- is there any funding
18 specifically dedicated to Latinos or African
19 Americans or Asians, which are protected classes
20 under the Voting Rights Act?

21 I mean, it -- it's -- it's either in there
22 or it's not.

23 REPRESENTATIVE HARLESS: The -- the
24 funding in the bill provides education for all
25 voters --

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1 REPRESENTATIVE ANCHIA: Okay.

2 REPRESENTATIVE HARLESS: -- across
3 the State of Texas.

4 REPRESENTATIVE ANCHIA: But not
5 specifically. Not specifically. Correct?

6 REPRESENTATIVE HARLESS: It does not
7 specifically --

8 REPRESENTATIVE ANCHIA: Okay.

9 REPRESENTATIVE HARLESS: -- carve
10 anything out. This will increase voter turnout and
11 education for all voters.

12 REPRESENTATIVE ANCHIA: Will -- will
13 the educational materials and promotional materials
14 be presented in English, Spanish and Vietnamese with
15 respect to Harris County?

16 REPRESENTATIVE HARLESS: They will be
17 printed in the language that the counties are
18 required to provide the language in.

19 REPRESENTATIVE ANCHIA: But there's
20 nothing in your bill that -- that specifically
21 states that you will have bilingual Spanish,
22 English, Viet -- Vietnamese documents. Correct?

23 REPRESENTATIVE HARLESS: There is an
24 amendment that was added in the Senate -- in the
25 Senate that says, "The website in each language

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1 which the voters registration materials are
2 available."

3 REPRESENTATIVE ANCHIA: Right.

4 And -- and the website is -- is --

5 REPRESENTATIVE HARLESS: Is that what
6 you're asking?

7 REPRESENTATIVE ANCHIA: Slightly
8 different.

9 The website is a little bit different than
10 the promotional and educational materials that are
11 going to be distributed to -- to people who may be
12 in the protected classes.

13 So I was just trying to get at whether
14 your bill includes anything related to promotional
15 materials in English, Spanish and Vietnamese.

16 REPRESENTATIVE HARLESS: It allows
17 for the printing in the language that the counties
18 are required to on all the notices at the polling
19 places and that the County Registrar will provide.

20 REPRESENTATIVE ANCHIA: And that --
21 and that language is in your bill?

22 REPRESENTATIVE HARLESS: Yes.

23 REPRESENTATIVE ANCHIA: Okay. Can
24 you tell me where?

25 REPRESENTATIVE HARLESS: Well,

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1 Section 31.012 is --

2 REPRESENTATIVE ANCHIA: On -- on what
3 page, really quickly?

4 REPRESENTATIVE HARLESS: Page 3 under
5 Section 5.

6 REPRESENTATIVE ANCHIA: Okay. Under
7 Section 5.

8 REPRESENTATIVE HARLESS: Talks about
9 the languages. And that is also --

10 REPRESENTATIVE ANCHIA: "And each
11 language which voter registration -- registration is
12 material -- is -- is -- materials are available."

13 REPRESENTATIVE HARLESS: Yeah.

14 REPRESENTATIVE ANCHIA: I -- I -- I
15 do see that in your bill.

16 REPRESENTATIVE HARLESS: Yeah.

17 REPRESENTATIVE ANCHIA: But -- but
18 that's specifically --

19 REPRESENTATIVE HARLESS: And that's a
20 requirement of the Federal Voter Right Act. I mean,
21 that's --

22 REPRESENTATIVE ANCHIA: The Voting
23 Rights Act?

24 REPRESENTATIVE HARLESS: Right.

25 REPRESENTATIVE ANCHIA: Okay. But

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1 I'm asking you a slightly different question.

2 Will the, for example, T.V. and radio and
3 additional notices that are above and beyond this --
4 this section of your bill, which is the posted
5 notice, is -- are -- are those -- is T.V. and radio
6 going to be done in multiple language?

7 REPRESENTATIVE HARLESS: To my
8 understanding, the testimony that we had in
9 Committee, where you were at, The Secretary of
10 State, Ann McGeehan, said that they would look at
11 the best practices of other states and decide the
12 best way to accommodate that. So I don't know that
13 that specific question was answered from the
14 testimony in Committee. You were there.

15 REPRESENTATIVE ANCHIA: I don't -- I
16 don't believe it was, and I don't think it's
17 included in the bill, either.

18 What if --

19 REPRESENTATIVE HARLESS: So next
20 question?

21 REPRESENTATIVE ANCHIA: Yeah. What
22 efforts will be made to ensure African American --
23 African Americans and Latinos will be able to access
24 free identification documents? Is there going to
25 be -- are there going to be mobile units or any

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1 specific outreach?

2 REPRESENTATIVE HARLESS: There was no
3 testimony on that.

4 REPRESENTATIVE ANCHIA: No. But what
5 does your bill say?

6 REPRESENTATIVE HARLESS: There's no
7 specifics in that. That will --

8 REPRESENTATIVE ANCHIA: Okay.

9 REPRESENTATIVE HARLESS: -- that will
10 be up to the Secretary of State to divide -- decide
11 those procedures.

12 REPRESENTATIVE ANCHIA: Have you --
13 and -- and I know you've -- you've done a lot of
14 work on this bill and a lot of research.

15 What academic studies have you run across
16 to determine the number of minorities that lack
17 required photo identification?

18 REPRESENTATIVE HARLESS: From all the
19 testimony that we've had in Committee, there was no
20 possible way to determine that.

21 REPRESENTATIVE ANCHIA: And -- and
22 you're -- you're not aware of any academic studies,
23 which is what my question was asking, any academic
24 studies that deal with that issue?

25 REPRESENTATIVE HARLESS: There are so

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1 many studies out there that -- no, they all look the
2 same in my head.

3 REPRESENTATIVE ANCHIA: Okay. Okay.

4 REPRESENTATIVE HARLESS: And I only
5 had this notebook, so I couldn't bring everything.

6 REPRESENTATIVE ANCHIA: Are -- are
7 you aware of any studies conducted by a State agency
8 to project the number of voters that lack the
9 required identification and what percentage of these
10 voters are African American or Hispanic?

11 Are you aware of any studies like that?

12 REPRESENTATIVE HARLESS: I did not
13 see that in testimony.

14 REPRESENTATIVE ANCHIA: Yeah. But
15 are you aware of any studies above and beyond the
16 testimony?

17 REPRESENTATIVE HARLESS: No.

18 REPRESENTATIVE ANCHIA: Okay.

19 REPRESENTATIVE HARLESS: Not advised.

20 REPRESENTATIVE ANCHIA: Okay. Why
21 are the identification requirements of Senate Bill
22 14 more restrictive than Senate Bill 362 from last
23 session?

24 Is -- is there any evidence to suggest
25 something's changed?

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1 REPRESENTATIVE HARLESS: We've had
2 two additional years to see that photo I.D. is
3 working in other states. We've also had two
4 additional years to hear from the public on their
5 concerns of the integrity of the ballot box.

6 Only a true photo I.D. bill can deter and
7 detect fraud at the polls and can protect the
8 public's confidence in the election.

9 REPRESENTATIVE ANCHIA: Is it -- is
10 it possible that Latinos and African Americans in
11 Texas will be put in a worse position in terms of
12 electoral power as a result of Senate Bill 14?

13 REPRESENTATIVE HARLESS: I believe
14 with all my heart this bill will increase turnout of
15 all voters in the State of Texas.

16 REPRESENTATIVE ANCHIA: What -- what
17 if you're wrong? Are there any -- are there any
18 safeguards in the bill to remedy the situation? For
19 example, a sunset (phonetic) provision if we see
20 that there's substantial numbers of African
21 Americans and Latinos that are disenfranchised by
22 the bill?

23 REPRESENTATIVE HARLESS: In the two
24 states that have passed this type of voter --
25 similar bills that -- to our bill, they have showed

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1 increased in election for the minorities. And I
2 think that we will see the same results in Texas.
3 This will increase turnout of all voters because of
4 the restored confidence that their vote counts.

5 REPRESENTATIVE ANCHIA: Okay. And
6 just to be clear, Indiana, which is one of the
7 states, is not a Voting Rights Act-covered
8 jurisdiction. Right?

9 REPRESENTATIVE HARLESS: Right.

10 REPRESENTATIVE ANCHIA: And Georgia,
11 which is Voting Rights Act-covered, doesn't have
12 a -- as large a Latino population as Texas.
13 Correct?

14 REPRESENTATIVE HARLESS: I have no
15 idea.

16 REPRESENTATIVE ANCHIA: Okay. Well,
17 I would submit to you it doesn't.

18 Is there any trigger mechanism for more
19 funding or increased outreach if something does go
20 wrong in the bill and it turns out Latinos and
21 African Americans are -- disenfranchised?

22 REPRESENTATIVE HARLESS: The
23 testimony of the LBB --

24 THE SPEAKER: Representative Geren
25 raises a point of order. The gentleman's time is

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1 expired. The point of order is well taken and
2 sustained.

3 REPRESENTATIVE ANCHIA: Mr. Speaker?

4 THE SPEAKER: Mr. Anchia, for what
5 purpose?

6 REPRESENTATIVE ANCHIA: I'd like to
7 ask that the -- the exchange between Representative
8 Harless and myself related to the Voting Rights Act
9 be reduced to writing and placed in the record,
10 please.

11 THE SPEAKER: Members, you've heard
12 the motion. Is there objection? Chair hears none.
13 So ordered.

14 Following amendment, the Clerk will read
15 the amendment.

16 REPRESENTATIVE ANCHIA: Mr. Speaker.

17 THE SPEAKER: Mr. Anchia, for what
18 purpose?

19 REPRESENTATIVE ANCHIA: Mr. Speaker,
20 I move to extend the gentle lady's time, please.

21 REPRESENTATIVE HARLESS: No.

22 THE SPEAKER: Members, there's a
23 second extension of time. Is there objection?

24 REPRESENTATIVE HARLESS: Yes.

25 THE SPEAKER: Chair hears objection.

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1 REPRESENTATIVE HARLESS: Thank you.

2 THE SPEAKER: Following amendment.

3 The Clerk will read the amendment.

4 THE CLERK: Amendment by Anchia.

5 THE SPEAKER: Chair recognizes

6 Representative Anchia.

7 REPRESENTATIVE TURNER: Dr. Geren.

8 REPRESENTATIVE ANCHIA: Thank you,

9 Mr. Speaker and Members.

10 I'm under no illusion as to what the
11 outcome is going to be today, but I just want to
12 remind everybody how we got here.

13 The narrative started, I guess, a couple
14 years ago with allegations of busloads of
15 undocumented immigrants coming and voting in our
16 elections and stealing our elections. I mean, if
17 that happens -- I mean, clearly they're all voting
18 straight ticket Republican if -- if the results of
19 the last election are to believe -- to be believed.

20 UNIDENTIFIED REPRESENTATIVE:

21 (Inaudible).

22 REPRESENTATIVE ANCHIA: But we've
23 seen no -- well, you just taught them how, right,
24 Tuffy?

25 We've seen no evidence of that despite us

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1 studying this issue since 2004.

2 You know, after I got elected in 2004
3 there was an election contest between former
4 Representative Talmadge Heflin and my good friend
5 and colleague Hubert Vo. And there were wild
6 allegations, wild allegations, of non-citizen
7 Vietnamese voting. And after a special election --
8 excuse me, a Special Committee was appointed and a
9 Special Master looked at the -- at the issue, it
10 turns out that there was one -- one non-citizen who
11 voted. He voted with an I.D. He was a legal
12 permanent resident not from Vietnam or Mexico, but
13 he was from Norway. And his vote would not have
14 been prevented by the current bill.

15 In 2005, Mary Denny filed our -- our first
16 photo I.D. bill. She took testimony, and she
17 couldn't find any cases of voter impersonation.

18 In 2006, I sat on the Interim Committee,
19 and we studied it again. And, again, no -- no
20 documented cases of voter impersonation.

21 In 2006, the A.G. said that voter fraud
22 was epidemic, and he started a multi-year
23 investigation that resulted in one case of voter
24 impersonation. Again, ironically, that would not
25 have been prevented by this current bill, because he

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1 used the -- the perpetrator used a photo I.D.

2 In 2007 we again heard testimony and again
3 found no evidence of voter impersonation.

4 On the House floor in 2007, Representative
5 Betty Brown, the author of the photo I.D. bill, held
6 up a stack of papers where she alleged that there
7 was a great number of illegal immigrants that were
8 voting in our elections. And when Representative
9 Hochberg examined those papers, the allegations were
10 proved to be false. At that point the Republican
11 D.A. of San Antonio launched a county-wide
12 initiative on voter fraud and found no cases of
13 voter impersonation.

14 In the 2008 interim, the Elections
15 Committee Chair wrote a letter -- letter ceasing
16 [sic] upon the State audit of our statewide voter
17 registration database, saying -- saying that 90,000
18 felons and illegal aliens had voted. That also
19 proved to be false, and he was forced to retract the
20 statement to the press.

21 In 2009, again we took testimony until the
22 late hours; and, again, no documented cases of voter
23 impersonation.

24 And we have recently conducted an election
25 contest where, again, hundreds of votes were

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1 examined, and no cases of voter impersonation.

2 So ladies and gentlemen, the goal post has
3 now moved, because, as the author's pointed out,
4 this is no longer about voter impersonation. This
5 is about the integrity of elections.

6 Really? Do we really believe that?
7 Because if this was about the integrity of
8 elections -- of elections then we would clearly be
9 focused on the place where 90 percent -- or 70
10 percent of all the Attorney General's investigations
11 have been -- excuse me, investigations and
12 prosecutions have been, which is in mail-in ballots.

13 UNIDENTIFIED REPRESENTATIVE:

14 Mr. Speaker.

15 REPRESENTATIVE ANCHIA: If we really
16 care about the one person -- the person that gets
17 disenfranchised because a fraudulent vote is cast,
18 then the emergency would not be voter impersonation;
19 the emergency would be mail-in ballots.

20 UNIDENTIFIED REPRESENTATIVE: You
21 can --

22 REPRESENTATIVE ANCHIA: Yet this bill
23 specifically -- specifically ignores mail-in
24 ballots.

25 UNIDENTIFIED REPRESENTATIVE: Well,

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1 I'll be quiet.

2 REPRESENTATIVE ANCHIA: So day after
3 day, even if this bill passed, people are going to
4 hear about illegal voting through mail-in ballots.
5 They're going -- they read articles in the Texas
6 Watchdog that will be circulated around on blogs
7 that talk about mail-in ballot fraud. And this bill
8 will have done nothing to increase confidence in
9 elections or integrity in elections.

10 The reality is that after we pass this
11 bill, people are not going to feel any better about
12 mail-in ballot fraud, the incidents of fraud.
13 They're not going to feel any better about
14 electronic voting, which has lowered confidence in
15 elections.

16 So the narrative I -- understandably so,
17 has changed from the authors of the photo I.D. bill
18 from voter impersonation, that there's little to no
19 evidence of, to the integrity of elections.

20 I also find it ironic that the type of
21 voter fraud that this -- that this bill seeks to
22 address is one that happens in public. It happens
23 in front of election judges --

24 REPRESENTATIVE VAN TAYLOR:

25 Mr. Speaker --

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1 REPRESENTATIVE ANCHIA: -- it
2 happens -- it happens in front of witnesses. In
3 fact, it happens in front of elections judges that
4 have -- election judges --

5 THE SPEAKER: Mr. Taylor, for what
6 purpose?

7 REPRESENTATIVE ANCHIA: -- that have
8 esteemed power --

9 REPRESENTATIVE TAYLOR: Mr. Speaker,
10 will the gentleman yield?

11 REPRESENTATIVE ANCHIA: Not at this
12 time.

13 REPRESENTATIVE TAYLOR: Very well.

14 REPRESENTATIVE ANCHIA: When I
15 conclude my comments, Representative Taylor, I'm
16 happy to have my time extended as long as you want.
17 I afforded the lady the courtesy to lay out her
18 bill, and I'm going to lay out mine. Thank you.

19 UNIDENTIFIED REPRESENTATIVE: Is this
20 an amendment?

21 UNIDENTIFIED REPRESENTATIVE: Yeah.
22 This is an amendment.

23 UNIDENTIFIED REPRESENTATIVE: This is
24 an amendment.

25 REPRESENTATIVE ANCHIA: So you're

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1 dealing with the type of fraud that occurs in public
2 in front of witnesses, frequently with law
3 enforcement involved and -- and present at the
4 polling location. And an anonymous type of fraud,
5 which is mail-in ballots, is completely ignored by
6 this bill, the one that happens in the shadows away
7 from the polling location, with no judges, with no
8 witnesses. That's the type that we should be
9 concerned about, but is -- but is exempted by this
10 bill.

11 I asked the author about academic studies
12 that she's looked at to gauge the potential
13 disenfranchising impact of this bill on African
14 Americans and Latinos, because my fear is that this
15 bill is not going to increase the integrity of
16 elections, but instead is going to keep legitimately
17 eligible Texans from the polls.

18 In 2006, the Brennan Center at New York
19 University Law School found that 25 of Africa --
20 25 percent of African Americans have no
21 government-issued photo I.D., nor do 18 percent of
22 seniors over 65, not 70 as the bill says, but 65,
23 nor do 15 percent of all people earning under 35,000
24 a year, not 15,000 a -- a year, like the bill says.

25 A study of voters in Wisconsin that talked

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1 about the driver's license status of the voting age
2 population pointed out that less than 47 percent of
3 Milwaukee County -- Milwaukee County African
4 Americans and 43 percent of Hispanics had valid
5 driver's licenses. A paper at Rutgers University
6 from Professors Virtualaty (phonetic) and
7 Anderson --

8 UNIDENTIFIED REPRESENTATIVE: Believe
9 he's doing all this.

10 REPRESENTATIVE ANCHIA: -- looked at
11 the effects of voter identification requirements on
12 turnout and found that voters in photo I.D. states
13 are less likely to vote --

14 UNIDENTIFIED REPRESENTATIVE: --
15 undoing bill.

16 REPRESENTATIVE ANCHIA: -- than those
17 who don't have photo I.D. requirements.

18 UNIDENTIFIED REPRESENTATIVE: Make
19 his case and --

20 REPRESENTATIVE ANCHIA: And my fear
21 is, Members, that the way this bill is crafted, it's
22 going to have a disproportionate impact on the poor.
23 It's going to have -- not indigent, as the bill
24 says, but the poor, on African Americans and
25 Hispanics. And I hope that this is not what it's

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1 about, because we know it's not about voter -- voter
2 impersonation. We still don't have one case here on
3 the House floor. And we know about -- it's not
4 about the integrity of elections, because if it was
5 about the integrity of elections it would be about
6 mail-in ballots. So we know it's not about those
7 things.

8 And I fear, Members, that it's about
9 something else, and it's about fewer people voting.

10 UNIDENTIFIED REPRESENTATIVE: Person
11 (inaudible).

12 REPRESENTATIVE ANCHIA: Of all
13 Americans without a license, 70 percent are women.
14 Women are more than twice as likely not to have a
15 driver's license. One of every five senior women
16 does not have a driver's license. And even though
17 this bill picks up 70-year-olds, you become a senior
18 much earlier than that.

19 Now, let's talk about what the real crisis
20 is in Texas elections, in Texas democracy. It's not
21 that too many people are voting; it's that too few
22 are voting. If you looked at the elections in 2000,
23 when you had a sitting Texas Governor running for
24 President, we ranked 47 -- 42nd of 50 states in
25 terms of voter turnout. When you fast forward to

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1 2004, when you had a sitting Texas President, we
2 ranked 46th out of 50 states in terms of voter
3 turnout. In 2008, with all of the excitement
4 surrounding the candidates in Texas, we were 48th
5 out of 50 states in terms of report turnout. And
6 during the last election cycle, Members, we were
7 50th out of 50 states in terms of election turnout.

8 So if you believe that the Texas democracy
9 is strengthened by active voter participation, then
10 the real crisis is not voter impersonation, it's not
11 this ephemeral integrity of elections that won't be
12 solved by this bill; it is that too few people are
13 voting in our Texas elections. This bill does
14 nothing to allow more people to vote in elections.
15 Instead it places additional hurdles in front of
16 eligible Texans --

17 UNIDENTIFIED REPRESENTATIVE: I know
18 (inaudible).

19 REPRESENTATIVE ANCHIA: -- that
20 should be given the right to vote. And, ladies and
21 gentlemen, I fear that that's what this bill is
22 about.

23 I hope that during the debate today we're
24 going to have a number of -- of amendments today
25 that deal with the affidavits that are contained in

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1 this bill and broadening those affidavits to make
2 sure Texans are not left behind.

3 We're going to have a number of amendments
4 increasing the types of photo I.D. -- not non-photo
5 I.D., but photo I.D. that can be used to satisfy
6 this bill. And we're going to have a number of
7 amendments related to education and implementation
8 of this bill, because I hope we will not --

9 THE SPEAKER: Representative Geren
10 raises a point of order. Gentleman's time is
11 expired. The point of order is well taken and
12 sustained.

13 REPRESENTATIVE TAYLOR: Mr. Speaker?

14 THE SPEAKER: Mr. Taylor, for what
15 purpose?

16 REPRESENTATIVE TAYLOR: Will the
17 gentleman yield?

18 THE SPEAKER: The gentleman's time
19 has expired.

20 REPRESENTATIVE TAYLOR: Move to
21 extend the time, Mr. Speaker.

22 THE SPEAKER: Members, you've heard
23 the motion. Is there objection? Chair hears none.
24 So ordered.

25 REPRESENTATIVE TAYLOR: Mr. Speaker?

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1 THE SPEAKER: Mr. Taylor.

2 REPRESENTATIVE TAYLOR: Will the
3 gentleman yield?

4 REPRESENTATIVE ANCHIA: I yield.

5 THE SPEAKER: Gentleman yields.

6 REPRESENTATIVE TAYLOR: Mr. Anchia,
7 you were elected in 2004. Is that correct?

8 REPRESENTATIVE ANCHIA: Yes,
9 November, 2004.

10 REPRESENTATIVE TAYLOR: All right.
11 In November of 2004, I was actually an election
12 observer in your district, and I watched a voter
13 come in and present her -- present her photo I.D. to
14 attempt to vote. And she was informed by the
15 election judge that she had already voted. And she
16 told the election judge, "That's not possible. I
17 was out of the country for the last two weeks. I
18 could not have voted early." Sadly, this voter,
19 perhaps wanting to vote for you, had her vote stolen
20 from her.

21 Would your amendment help that voter keep
22 her vote?

23 REPRESENTATIVE ANCHIA: No. In fact,
24 I'm kind of curious, if -- if -- was that ever
25 turned over to the district attorney, then District

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1 Attorney Hill? Did he prosecute the case? Because
2 clearly, if -- if someone had stolen her vote, if it
3 was not a clerical error, as many times is the case
4 when -- when people are shown as having voted when
5 they didn't, I'd be curious to know if -- if the
6 proper channels were used with the existing
7 enforcement infrastructure that we have. And I
8 don't know.

9 REPRESENTATIVE TAYLOR: Do you -- it
10 is my -- we hope that this bill will stop the kind
11 of voter -- the stolen vote that I witnessed in your
12 district in 2004.

13 Doesn't your amendment take away our
14 ability to stop this kind of fraud?

15 REPRESENTATIVE ANCHIA: No, not at
16 all. In fact, our ability to stop this kind of
17 fraud is -- remains intact.

18 I mean, what should have happened in that
19 situation -- we don't know if that was in person --
20 I -- I -- I hope you're not alleging that you know
21 for a fact that it was in-person versus mail-in
22 ballot fraud. Right?

23 You don't know that, do you?

24 REPRESENTATIVE TAYLOR: It had to be
25 in person.

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1 REPRESENTATIVE ANCHIA: Explain that
2 to me.

3 REPRESENTATIVE TAYLOR: Well, it had
4 to be in person, because the election judge, when
5 they went over the rolls, determined that the voter
6 had voted early.

7 REPRESENTATIVE ANCHIA: Okay. And --
8 and was it determined that it was actually fraud or
9 mistake?

10 REPRESENTATIVE TAYLOR: Unknown.

11 REPRESENTATIVE ANCHIA: Unknown.
12 Okay.

13 So let's -- because many times, I mean,
14 you hear reports in the media about this widespread
15 fraud, and when election officials go back to check
16 a poll worker checked the wrong box --

17 REPRESENTATIVE TAYLOR: Sure.

18 REPRESENTATIVE ANCHIA: -- a person
19 signed in the wrong place.

20 So, I mean, I would -- I would refrain
21 from jumping to conclusions about -- about whether
22 it was fraud. And -- and I fear that's what we have
23 based and predicated this bill on is anecdote, is
24 suspicion, is in -- in some cases outright
25 falsehood. And, you know, I fear that -- that we're

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1 making policy when we have tools in place already.
2 It's a state jail felony.

3 And I would submit to you the reason I
4 don't think voter impersonation happens is because
5 it's too risky for people to show up having stolen
6 somebody else's voter registration certificate and
7 subject themselves -- to change one vote, subject
8 themselves to two to ten years in jail, \$10,000
9 worth of fines in front of witnesses, including
10 someone who has the powers, including the powers of
11 arrest, of a State District Judge. I mean, and
12 that's why -- that's why we see most of the fraud
13 that we do see in mail-in ballots, because it's
14 scalable. You can -- you can get more mail-in
15 ballots. It is anonymous, and it has -- and you
16 don't have to do it in front of witnesses where
17 you're -- where you're committing illegal voting or
18 voter impersonation and subject yourself to that.
19 The penalties are lower.

20 So that's why I don't think it happens in
21 the frequency that -- that many people imagine or
22 allege or suspect.

23 And so I think a lot of the cases like
24 you're bringing up today, which are probably mistake
25 rather than fraud, get publicized and trumped up.

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1 When they're actually investigated, they turn out to
2 be something else.

3 REPRESENTATIVE TAYLOR: Sure.

4 Well, this particular voter, after
5 discovering that they couldn't vote, asked the
6 question, "Where is my voter registration card? I
7 never received it."

8 Now, under current law a voter
9 registration card, which has no photo -- no
10 photograph on it, a person can use that as
11 identification. Correct?

12 REPRESENTATIVE ANCHIA: You know, I'm
13 glad you brought up the photo -- voter registration
14 card, because under this bill they'll have no
15 purpose. Right?

16 A voter registration card if -- if we move
17 to a photo I.D. standard, really will be useless,
18 other than for mailing people information.

19 The irony is that the quick fix on this is
20 that you could put people's photograph on a voter
21 registration card and make it incumbent upon the
22 State to do that. But I can -- that approach has
23 never been accepted. We've offered it many times
24 here on the House floor and -- and the majority has
25 always chosen to resist that, even though that's the

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1 simplest and most straightforward way to solve the
2 problem.

3 REPRESENTATIVE TAYLOR: Thank you,
4 Representative Anchia.

5 REPRESENTATIVE ANCHIA: Thank you,
6 Representative.

7 UNIDENTIFIED REPRESENTATIVE: Vote?
8 Vote?

9 REPRESENTATIVE ANCHIA:
10 Mr. Speaker -- Mr. Speaker --

11 THE SPEAKER: Representative Anchia,
12 for what purpose?

13 REPRESENTATIVE ANCHIA: Because my
14 amendment strikes the enacting clause, and I -- and
15 I know that that will be the outcome -- I know what
16 outcome will be of this vote. I'm not going to make
17 people take a vote on this.

18 But what I will ask the Members of the
19 House is to look at these amendments with an open
20 mind. These amendments deal with the affidavit
21 bypass provisions that already exist in the bill.
22 These amendments are going to deal with the types of
23 photo I.D. that people are -- or the types of I.D.
24 that people are allowed to bring to the polling
25 location so they're not disenfranchised.

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1 So, Mr. Speaker, I'm going to pull down
2 this amendment which strikes the enacting clause,
3 and instead I'm going to go ahead and -- and
4 withdraw and it and ask that the membership really
5 be constructive and listen to the debate, listen to
6 the amendments, because I think they're -- there are
7 opportunities to fix this bill so that legitimately
8 eligible and registered Texans are not left behind.

9 Thank you. I withdraw the amendment.

10 THE SPEAKER: The amendment is
11 withdrawn.

12 Following amendment. The Clerk will read
13 the amendment.

14 THE CLERK: (Inaudible) by Giddings.

15 THE SPEAKER: Chair recognizes
16 Representative Giddings.

17 REPRESENTATIVE GIDDINGS: Thank you,
18 Mr. Speaker. Sorry.

19 Members, this amendment would allow a
20 person who is a victim of identity theft within 45
21 days of an election to present an affidavit
22 notarized under the penalties of perjury asserting
23 that their proof of identification had been stolen
24 along with a copy of an official police report. It
25 would allow that person with those two documents to

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1 have an exemption and be allowed to vote in the
2 election.

3 I think we want to make sure that we do
4 everything that we can to allow every eligible voter
5 to vote and not disenfranchise any voters.

6 THE SPEAKER: Representative Munoz,
7 for what purpose?

8 REPRESENTATIVE MUNOZ: Will the
9 gentle lady yield for question?

10 THE SPEAKER: Will the lady yield?

11 REPRESENTATIVE GIDDINGS: Yes.

12 THE SPEAKER: Lady yields.

13 REPRESENTATIVE MUNOZ: Thank you.

14 Representative, when an individual goes to
15 vote is there any system in place currently in which
16 the election worker can ascertain if the voter is a
17 victim of identity theft?

18 REPRESENTATIVE GIDDINGS: I'm sorry.
19 I could not hear you.

20 REPRESENTATIVE MUNOZ: Okay. When an
21 individual goes to vote is there any system in place
22 currently by which where the election worker can
23 ascertain that reporter is a victim of I.D. theft?

24 REPRESENTATIVE GIDDINGS: Not that I
25 am aware of. And it is a very, very serious issue,

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1 because, as most of the Members of the House know, I
2 myself have been a victim of identity theft. And
3 there is a period of time when you're trying to get
4 a new driver's license and a new Social Security
5 card and whatever else, that you may not have any
6 photo proof of identity.

7 REPRESENTATIVE MUNOZ: So you feel
8 that this would be necessary to protect those
9 individuals that have been the victim of identity
10 theft. Correct?

11 REPRESENTATIVE GIDDINGS: Yes, I do,
12 because we want to do everything that we can to make
13 sure that no eligible voter is disenfranchised. And
14 I think that's what we do with this amendment.

15 It's a -- it's a very narrowly-drafted
16 amendment, and it only applies to those people who
17 have two things: One, they have an affidavit that
18 has been executed under the penalties of perjury
19 that they are a victim of identity theft, and they
20 have a verifying document, an official police
21 report. So they have two items that they can
22 present at the elections office.

23 REPRESENTATIVE MUNOZ: Thank you,
24 Representative.

25 REPRESENTATIVE GIDDINGS:

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1 Mr. Speaker, I move adoption.

2 THE SPEAKER: Is anyone wishing to
3 speak for or against the amendment? If not,
4 Members, the question occurs on the adoption of the
5 Giddings amendment.

6 Chair recognizes Representative Harless.

7 REPRESENTATIVE HARLESS: Mr.
8 Speaker -- Members, Mr. Speaker, I would move to ask
9 you to table the exemption from the photo I.D.
10 requirements.

11 A signed affidavit that is stolen, it
12 takes away some of the photo identifications that
13 will be presented in this bill. So I move to table.

14 UNIDENTIFIED REPRESENTATIVE:
15 Mr. Speaker?

16 THE SPEAKER: Mr. Hochberg, for what
17 purpose?

18 REPRESENTATIVE HOCHBERG: Will the
19 gentle lady yield for a question?

20 THE SPEAKER: Lady yield?

21 REPRESENTATIVE HARLESS: Yes, sir.

22 REPRESENTATIVE HOCHBERG:
23 Representative Harless, maybe I don't understand
24 this correctly, but this is for somebody that has
25 their photo I.D. stolen. And so without accepting

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1 this, then would that person not be able to vote?

2 REPRESENTATIVE HARLESS: Just like
3 I.D.s that can be fake, police reports can also be
4 fake. Just because --

5 REPRESENTATIVE HOCHBERG: That's
6 like -- that's like --

7 REPRESENTATIVE HARLESS: -- just
8 because you have identifying stolen --

9 REPRESENTATIVE HOCHBERG: -- ma'am, I
10 can barely hear you, so...

11 REPRESENTATIVE HARLESS: Just like
12 I.D.s that can be fake, so can police reports.

13 REPRESENTATIVE HOCHBERG: Why
14 can't --

15 REPRESENTATIVE HARLESS: Just because
16 you have your identification stolen does not mean
17 that you do not have a photo I.D. You should be
18 able to present a photo I.D. and the police report.
19 There are other forms of a photo I.D.

20 REPRESENTATIVE HOCHBERG: Like a
21 passport?

22 REPRESENTATIVE HARLESS: A passport,
23 a CHL --

24 REPRESENTATIVE HOCHBERG: How many
25 have that? A CHL. I'm sorry. I confess, I don't

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1 have a CHL.

2 REPRESENTATIVE HARLESS: Do you have
3 a passport?

4 REPRESENTATIVE HOCHBERG: I do, but I
5 bet you a whole lot of people in my district don't.

6 REPRESENTATIVE HARLESS: I -- I -- I
7 don't know how many people in your district don't
8 have a passport.

9 REPRESENTATIVE HOCHBERG: So if they
10 get their license -- if they get their license
11 stolen and they file a police report, that's not
12 good enough? You take away their right to -- so --
13 so if I -- so if I want to take away Ms. Giddings'
14 right to vote, I just need to grab her purse so that
15 I get her license?

16 REPRESENTATIVE HARLESS: If they do
17 not have their driver's license because it's stolen,
18 they can show up to the voting place, cast a
19 provisional ballot and show back up in six days with
20 their I.D. and their ballot will be counted.

21 REPRESENTATIVE HOCHBERG: Oh. So is
22 DPS going to provide that within six days?

23 REPRESENTATIVE HARLESS: I am not
24 advised.

25 REPRESENTATIVE HOCHBERG: I don't

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1 think so. I think it takes --

2 REPRESENTATIVE HARLESS: If they
3 have --

4 REPRESENTATIVE HOCHBERG: -- a lot
5 longer than that.

6 REPRESENTATIVE HARLESS: --
7 alternative ways of showing --

8 REPRESENTATIVE HOCHBERG: All right.

9 REPRESENTATIVE HARLESS: -- of
10 federal I.D.

11 REPRESENTATIVE HOCHBERG: So in
12 addition to identity theft then you lose your right
13 to vote.

14 REPRESENTATIVE HARLESS: I disagree
15 with that. I move to table.

16 REPRESENTATIVE MARTINEZ:
17 Mr. Speaker.

18 THE SPEAKER: Representative
19 Martinez, for what purpose?

20 REPRESENTATIVE MARTINEZ: Will the
21 gentle lady yield?

22 THE SPEAKER: Yield?

23 REPRESENTATIVE HARLESS: I'm sorry?

24 THE SPEAKER: Representative Harless,
25 do you yield?

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1 REPRESENTATIVE HARLESS: Yes.

2 REPRESENTATIVE MARTINEZ:

3 Ms. Harless, in regard to this, that the individual
4 would not be able to vote if he loses his voter
5 I.D., and in regard to the presentation of
6 identification, does it fail within that sixth day?

7 REPRESENTATIVE HARLESS: Yes.

8 REPRESENTATIVE MARTINEZ: Okay. So
9 then could you explain the sixth day for me? Is
10 that calendar days, is that business days? How does
11 that work?

12 REPRESENTATIVE HARLESS: That is six
13 days.

14 REPRESENTATIVE MARTINEZ: Six days.
15 Is that business days?

16 REPRESENTATIVE HARLESS: That is six
17 days, calendar days.

18 REPRESENTATIVE MARTINEZ: Six
19 calendar days. Okay.

20 So then six business days would be --
21 how could you explain business days to me?

22 REPRESENTATIVE HARLESS: Excuse me?

23 REPRESENTATIVE MARTINEZ: How could
24 you explain business days to me?

25 REPRESENTATIVE HARLESS: The bill

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1 does not address business days.

2 REPRESENTATIVE MARTINEZ: Okay.

3 Mr. Speaker -- it does not address days?

4 Mr. Speaker, I would like to raise a point
5 of order upon further consideration of CS --
6 Committee Substitute Senate Bill (inaudible) on the
7 grounds that it violates Rule 4, Section 32,
8 Subsection C2 of Texas House rules.

9 THE SPEAKER: Bring your point of
10 order down front.

11 Mr. Martinez raises a point of order under
12 Rule 4, Section 32C 2 and F that the bill analysis
13 is substantially and materially misleading,
14 specifically because the bill analysis refers to six
15 business days while the text of the bill refers only
16 to six days.

17 The Chair has reviewed the bill and the
18 bill analysis and finds the reference in the bill
19 analysis to be materially or substantially
20 misleading in the context of the bill.

21 The point of order is sustained.

22 (End of this portion)

23

24

25

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1 IN THE COUNTY OF TRAVIS)

2 STATE OF TEXAS)

3 I, Rhonda Howard, Certified Shorthand
4 Reporter in and for the State of Texas, hereby
5 certify to the following:

6 That the CD entitled, "2011 (82R) SB 14,
7 3.21.11 HOUSE CHAMBERS FLOOR DEBATE, 2ND READING,
8 MARCH 21, 2011," was transcribed at the request of
9 Anne Wilson, 209 West 14th Street, 8th Floor,
10 Attorney General's Office, Austin, Texas 78701, and
11 the amount due is \$_____.

12 That the aforementioned CD was transcribed
13 to the best of my ability to hear and understand the
14 CD;

15 That the transcript was submitted by
16 E-trans on April , 2012, to Anne Wilson, 209 West
17 14th Street, 8th Floor, Attorney Generals' Office,
18 Austin, Texas 78701;

19 I further certify that I am neither
20 counsel for, related to, nor employed by any of the
21 parties or attorneys in the action in which this
22 proceeding was taken, and further that I am not
23 financially or otherwise interested in the outcome
24 of the action.

25

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1 Certified to by me, this 23rd day of
2 April, 2012.

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6 RHONDA HOWARD, Texas CSR No. 4136
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11 Austin, Texas 78701
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Job No. 332480RH

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USA_00016951

The House Committee on Voter Identification & Voter Fraud, Select

82nd Legislature

March 21, 2011

4:25 p.m.

E2.022

Pursuant to a notice posted on March 21, 2011, the House Committee on Voter Identification & Voter Fraud, Select met in a formal meeting and was called to order by the chair, Representative Bonnen, at 4:25 p.m.

The initial quorum call was answered as follows: Representatives Bonnen; Veasey; Aliseda; Harless; Hilderbran; Hochberg; Pena; and Taylor, Larry.

A quorum was present.

TX_00002902
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House Committee on Voter Identification & Voter Fraud, Select

3/21/2011

SB 14

The chair laid out SB 14.

Representative Harless offered a complete committee substitute.

The chair recognized Representative Harless to explain CSSB 14.

The committee substitute was adopted without objection.

Representative Hilderbran moved that SB 14, as substituted, be reported favorably to the full house with the recommendation that it do pass and be printed. The motion prevailed by the following record vote:

Ayes: Representatives Bonnen; Aliseda; Harless; Hilderbran; Pena; Taylor, Larry (6).

Nays: Representatives Veasey; Hochberg (2).

Present, Not Voting: None (0).

Absent: Representative Gutierrez (1).

At 4:28 p.m., on the motion of Representative Hilderbran and without objection, the meeting was adjourned subject to the call of the chair.

Rep. Bonnen, Chair

Steven Schar, Clerk

PL033

HOUSE OF REPRESENTATIVES

9/2/2014

NOTICE OF FORMAL MEETING

2:13-cv-00193

COMMITTEE: Voter Identification & Voter Fraud, Select

TIME & DATE: 4:25 PM, Monday, March 21, 2011

PLACE: E2.022

CHAIR: Rep. Dennis Bonnen

SB 14 Fraser | et al.

Relating to requirements to vote, including presenting proof of
identification; providing criminal penalties.
